

Crl.O.P.No.32699 of 2022

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 9(n) r/w 10 of POSCO Act, 2012 in Crime no.22 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the father of the victim girl and he used to pick up quarrel with his wife and children and harass them. That apart the petitioner touched the victim girl/daughter of the petitioner sexually on many occasions and also threatened the victim girl that if she doesn't co-operate with him he will kill the mother of the victim girl, due to which the wife and children of the petitioner left the home and living separately. Hence the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and there was a family dispute between the petitioner and the defacto complainant due to which a false complaint has been lodged against the petitioner. He further submits that the petitioner is ready and willing to pay



a certain amount as maintenance to his family. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that 164 statement has been recorded from the victim girl and the investigation has also been completed. He further submits that the victim girl has narrated that the petitioner has sexually touched her and the harassment made by the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions and the fact that 164 statement has been recorded and there is a family dispute pending between petitioner and his wife/ mother of the victim, however petitioner is ready and willing to pay a certain amount as maintenance to his family, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen



days from the date of receipt of a copy of this order, before the **learned Judicial Magistrate No.I, Sankari, Salem District** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with **two sureties (out of which one should be a blood related surety)** each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to pay a sum of Rs.8,000/- per month as interim maintenance to his wife/defacto complainant and children on the first week of every calendar month till, the said condition is modified by any of the Court in the manner known to law.

(c) the petitioner shall report before the respondent police every Wednesday at 10.30 a.m. for a period of one month and thereafter, appear before the trial Court on all hearing dates.

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;



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(e)the petitioner shall not abscond either during investigation or trial;

(f)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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